

Reasons for Pre-Appeal Review

A) Applicant respectfully submits that there is a clear error in the Final Office Action dated 20 July 2009.

B) Applicant respectfully submits that the Final Office Action dated 20 July 2009, and the Non-Final Office Action dated 18 February 2009, both fail to answer material previously traversed by the Applicant.

Summary of Claims and Rejections

- Claims 1, 3 to 6, and 8 to 10 are pending in the present application.
- Claims 1, 3 to 6, and 8 to 10 are rejected under 35 USC §103(a) over Suzuki (US 5,847,836) in view of Yuen (US 6,347,863).

Detailed Remarks

Claim 1 as currently pending is directed to a printhead assembly. One of the features of the printhead assembly recited in claim 1 is that of an elongate ink reservoir assembly. The elongate ink reservoir assembly is recited as spanning a width of the printing path.

(A) In the Final Office Action dated 20 July, 2009, independent claim 1 remains rejected over the combination of Suzuki and Yuen. One of the assertions made by this rejection is that Suzuki discloses the claimed “elongate ink reservoir assembly defining...ink reservoirs...spanning a width of the printing path” (see page 4, item 8 of Final Office Action).

In making this rejection, the Examiner refers to the disclosure of Suzuki at col. 16, lines 17 - 24, and lines 43 - 48. Here, Suzuki discloses that the printhead may be a full line type printhead. Applicant notes also that Suzuki discloses at lines 25 - 30 that that the printhead may be a cartridge type printhead in which the ink tank is “integrally arranged” on the printhead itself.

From the above disclosure of Suzuki, the Examiner asserts (page 4, item 8 of Final Office Action) that there is “clear evidence” that Suzuki teaches “an elongate ink reservoir assembly defining...ink reservoirs...spanning a width of the printing path”. Applicant respectfully disagrees.

With reference to Applicant’s response received on 23 April 2009 (see page 3, paragraph 5), in relation to the previous Non-Final Office Action (dated 18 February 2009), Applicant submitted that:

“Suzuki describes only that an ink tank can be integrally arranged on the printhead itself. Suzuki is otherwise completely silent as to the ink tank spanning a width of the printing path, or to any other characteristic of the ink tank”

Applicant maintains this submission. The disclosure of Suzuki regarding the printhead being a full line printhead, and that the ink tank can be integrally arranged on the printhead, is respectfully submitted to be insufficient to prejudice the claimed feature of the ink reservoir assembly spanning a width of the printing path. Suzuki makes no mention about a size and arrangement of the ink tank with respect to the printhead, other than to say that it is “integrally arranged” on the printhead.

The Examiner's extrapolation of the above disclosure of Suzuki to arrive at the conclusion that Suzuki provides "clear evidence" for an elongate ink reservoir spanning a width of the printing path is respectfully submitted to be speculative, unsupported, and based on hindsight reasoning in view of Applicant's own disclosure.

For the same reasons, the Examiner's assertion in the instant Final Office Action (page 8, paragraph 2) that Suzuki discloses a multi-color elongate ink reservoir (5) assembly that spans the printing path, and also the assertion made at page 4, item 8 of the instant Final Office, are respectfully traversed.

Further, the Examiner asserts (page 8, paragraph 3 of Final Office Action) that Yuen discloses an ink reservoir assembly with three ink reservoirs, wherein each of the three ink reservoirs span the entire width of the ink reservoir assembly. This assertion is respectfully submitted to be irrelevant. The fact that the three ink reservoirs of Yuen span the entire width of the ink reservoir assembly has no bearing on the claimed feature of the ink reservoirs spanning a width of the printing path, as explained in further detail below.

In item 10 of the instant Office Action, the Examiner alleges that Suzuki teaches a printer cartridge that spans a width of the printing path, and further alleges that Yuen teaches a printer cartridge with reservoirs that span a width of the printer cartridge. Hence, the Examiner reasons that a combination of Suzuki and Yuen would result in a printer cartridge having reservoirs that span the width of the printing path. Such reasoning is flawed.

The "cartridges" referred to in each of Suzuki and Yuen are not both "printer cartridges" as conveniently asserted by the Examiner. Suzuki unambiguously refers to a "cartridge type printhead" and Yuen unambiguously refers to a "printer ink cartridge". The Examiner's convenient referral to both as "printer cartridges" and subsequent extrapolation that since Yuen teaches a "printer cartridge" with reservoirs spanning the width of the "printer cartridge", and since Suzuki teaches a "printer cartridge" spanning a width of the print path, a combination of Yuen and Suzuki arrives at a "printer cartridge having reservoirs spanning the print path", is flawed. The cartridges of Yuen and Suzuki are very distinct cartridges. One is a printhead cartridge and the other is an ink cartridge.

An ink cartridge having reservoirs spanning a width of the ink cartridge, does not render obvious a printhead cartridge spanning a width of a print path and which also has reservoirs spanning a width of the print path. A combination of Suzuki and Yuen would simply see the ink cartridge of Yuen combined integrally with the printhead cartridge of Suzuki. As taught by Yuen, this combination would have ink reservoirs spanning a width of the (now integral) ink cartridge portion of the printhead cartridge, but absent any suggestion to do so, would not see the now integral ink cartridge portion (nor hence the ink reservoirs) spanning the entire width of the printhead and hence print path.

It remains a fact that the combination of Suzuki and Yuen fails to teach or suggest an elongate ink reservoir assembly defining ink reservoirs that span a width of the printing path. Accordingly, Applicant respectfully maintains that claim 1 is novel and inventive.

(B) In the Final Office Action dated 20 July 2009, the Examiner states in relation to claim 6 that:

“The Examiner’s reliance on a new grounds of rejection obviates the need to traverse arguments in response to the previous grounds of rejection.”

Applicant respectfully disagrees that a new grounds of rejection has been issued in relation to claim 6.

In an earlier Final Office Action dated 7 November 2008, the Examiner rejected claim 6 over Suzuki and Yuen, in view of Official Notice. In Applicant’s response, Applicant respectfully requested documentary evidence in support of this Official Notice.

In a following Advisory Action dated 6 January 2009, the Examiner cites Baldwin et al. (US 5,600,358) in support of the Official Notice.

In Applicant’s response received on 18 January 2009, Applicant submitted arguments distinguishing claim 6 over Baldwin et al. The panel is respectfully directed to Applicant’s this response, beginning on page 4, under the heading of “Claim 6 & Official Notice”.

In the subsequent Non-Final Office Action dated 18 February 2009, the Examiner states in item 2 that Applicant’s arguments with respect to claims 1, 3 - 6, and 8 - 10 have been considered but are moot in view of the new grounds of rejection. However, when referring to the rejection of claim 6 under item 10 of this Office Action, Applicant notes that an identical rejection has been issued. Specifically, the Examiner still relies on Baldwin et al. in support of the same Official Notice relied upon in the earlier Final Office Action dated 7 November 2008.

In Applicant’s most recent response received on 23 April 2009, Applicant pointed out that the Examiner had not answered Applicant’s point of traverse, and respectfully requested that the Examiner answer this point of traverse.

Now, in the instant Final Office Action, the Examiner asserts that an answer is not required because of the alleged “new” grounds of rejection previously raised in the Non-Final Office Action dated 18 February 2009. However, as pointed out above, a new grounds of rejection was not in fact raised in regards to claim 6.

Moreover, in the instant Final Office Action, the Examiner again identically rejects claim 6, relying on Baldwin et al. for support of the Official Notice taken back in 6 January 2009. Still no response to Applicant’s point of traverse has been provide.

Therefore, despite submissions from the Applicant since 18 January 2009 traversing the Official Notice taken in reliance on Baldwin et al., such submission appear to have been overlooked, and the same rejection of claim 6 issued three times consecutively.

Applicant maintains his traverse of the Official Notice taken in regard to claim 6, which Official Notice relies on Baldwin et al. Reasons for this are as presented in Applicant’s response received on 18 January 2009, under the heading of “Claim 6 & Official Notice”.

The Panel’s consideration of the above remarks in **(A)** and **(B)** are earnestly sought.